

Appl. No. 10/623,304
Resp./Amdt. dated Oct. 26, 2004
Reply to Office Action of 08/09/2004

REMARKS/ARGUMENTS

There are no amendments to the specification or drawings herein.

In the Claims, Claims 1-30 are pending. Claims 1-4, 6-9, 12-14, 16-19 and 21 are rejected. Claims 5, 10, 11, 15, and 20 are objected to and Claims 22-30 are allowed. Claim 20 is cancelled and Claims 1, 11 and 13 are amended herein, as provided above. Entry of the amendments and reconsideration of the rejected Claims 1-4, 6-9, 12-14, 16-19 and 21 and the remaining objected to Claims 5, 10, 11 and 15, as amended herein, are respectfully requested.

In particular, Applicant amended Claim 1 to include "wherein the interconnect connects distinct circuit elements together without essentially vertically stacking the elements for interconnection". Support for the amendment is found at least in Claim 11, as originally filed. Further, Applicant amended Claim 11, to remove that now recited in amended Claim 1. The amendments of Claim 1 and 11 add no new matter and raise no new issues. Entry of the amendments to Claims 1 and 11 is respectfully requested.

Applicant amended Claim 13 to include "wherein the folded flex circuit interconnect connects distinct circuit elements together without vertically stacking the elements for interconnection". Support for the amendment is found at least in Claim 20, as originally filed. Further, Applicant cancelled Claim 20, without prejudice. The amendment of Claim 13 adds no new matter and raises no new issues. Entry of the amendment to Claim 13 is respectfully requested.

The Examiner rejects Claims 1-4, 6-9, 12-14, 16-19 and 21 under 35 U.S.C. 102(e) as being anticipated by Wang et al., US Pat. No. 6,444,921 (hereinafter 'Wang et al.').

Applicant traverses the rejection of Claim 1 and Claim 13, as amended herein, on the grounds that the Examiner fails to present a *prima facie* case for anticipation under 35 U.S.C. 102(e) with respect to Wang et al. In particular, Applicant submits that Wang et al. fail to disclose, explicitly or implicitly, "each element of the claim under consideration" (*W.L. Gore & Associates v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983)) and/or fail to disclose the claimed elements "arranged as in the

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claim" (*Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)), as required by the Federal Circuit for *prima facie* anticipation under 35 U.S.C. 102.

The Examiner admits that "the prior art does not show or cannot be fairly combined to render obvious circuits [*sic*] elements (e.g. optical unit and motherboard) interconnected by an interconnection substrate without being stacked". As such, Wang et al. do not and cannot disclose or suggest that recited in Claims 1 and 13, as amended hereinabove. Therefore, it is respectfully submitted that the rejection under 35 U.S.C. 102(e) of Claims 1 and 13, as amended above, is unsupported by facts in evidence and should be withdrawn.

Claims 2-4, 6-9 and 12 are dependent from and include all of the limitations of amended Claim 1. Claims 14, 16-19 and 21 are dependent from and include all of the limitations of amended Claim 13. Having failed to show *prima facie* anticipation of amended Claims 1 and 13, respectively, the Examiner has similarly failed to establish a *prima facie* case of anticipation of dependent Claims 2-4, 6-9, 12, 14, 16-19 and 21. Hence, the rejection of Claims 2-4, 6-9, 12, 14, 16-19 and 21 under 35 U.S.C. 102(e) is unsupported by the facts and respectfully should be withdrawn for at least the reasons set forth hereinabove.

Applicant appreciates the indication of allowability of Claims 5, 10, 11, 15 and 20, if rewritten in independent form. As mentioned above, Claim 20 is cancelled herein and the features of Claim 20 are incorporated into amended Claim 13. In light of the amendments hereinabove of Claims 1 and 13, Applicant respectfully declines to amend Claims 5, 10, 11 and 15 at this time and respectfully requests reconsideration.

Further, Applicant appreciates the Examiner's allowance of Claims 22-30.


In summary, Claims 1-30 were pending. Claims 1-4, 6-9, 12-14, 16-19 and 21 were rejected and Claims 5, 10, 11, 15 and 20 were objected to. Claims 22-30 were allowed. Applicant has cancelled Claim 20, without prejudice, and has amended Claims 1, 11 and 13 herein. Claims 1-4, 6-9, 12-14, 16-19 and 21, as amended herein, along with allowed Claims 22-30, are in condition for allowance. It is respectfully requested that Claims 1-19 and 21 be allowed along with allowed Claims 22-30, and that the application be passed to issue at an early date.

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Should the Examiner's action be other than allowance of the claims herein, the undersigned respectfully requests a telephone call from the Examiner to discuss further consideration that would expedite the prosecution of the application. Moreover, should the Examiner have any questions regarding the above, please contact the undersigned, J. Michael Johnson, telephone number (775) 849-3085.

Respectfully submitted,
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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.


J. Michael Johnson

10/26/04
Date

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